REMARKS

The Office Action dated July 27, 2009 has been reviewed and carefully considered. Claims 1-19 are pending. Reconsideration of the rejections is earnestly solicited.

Preliminarily, it should be noted that the Examiner has made redundant, cumulative rejections against claims 1 and 16. As MPEP § 706.02(l) states, "Prior art rejections should ordinarily be confined strictly to the best available art." Presenting cumulative rejections imposes an unnecessary and unfair burden on the Applicants in responding to the Examiner's assertions. Because the present case does not represent any of the three exceptions listed, it is respectfully requested that the Examiner withdraw one of the rejections with respect to claims 1 and 16.

Before addressing the particular deficiencies of the art which the Examiner has cited, it is worth noting that the Examiner seems to have an inaccurate understanding of the meaning of the word "synchronize." As Webster's New Universal Unabridged Dictionary (hereinafter "Webster's") defines the word to mean, "to cause to indicate the same time, as one timepiece with another." (See attached.) In other words, synchronizing a clock with a particular time means *setting or changing the clock to that time.* This is the *plain meaning* of the term. Throughout the rejection, the Examiner has interpreted "synchronize" to include a mere comparison of clocks (i.e., determining whether the two clocks have the same time at that moment). However, such a comparison cannot be interpreted to mean *causing* the compared clocks to indicate the same time. This distinction will be made clear in particular examples below.

Claims 1–2, 4–6, 10–11, and 13–17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,479,268 to Young et al. (hereinafter "Young").

Claim 1 recites, *inter alia*, "synchronizing the current time of day of the second scheduling clock with the current time of day of the clock of the second corresponding program source based on the second current time reference information prior to initiation of the second program processing function." Claim 16 recites analogous language. The Examiner asserts that Young teaches this element by comparing a system clock to a scheduled time. The Examiner states that, because the system time matching the scheduled time is a condition for performing a recording operation in Young, such a comparison naturally takes place prior to the initiation.

However, as described above, comparing a clock to a particular time *cannot* be reasonably interpreted as synchronizing a clock. As Webster's shows, synchronization of clocks involves *causing* one clock to show the same time as another. Simply observing whether this condition has naturally occurred does not suffice.

The Examiner may use only the broadest reasonable interpretation of a claim term. The Examiner's interpretation of "synchronize" is fundamentally at odds with the standard definition, and is therefore not reasonable.

As the present specification describes on page 6, lines 30–37, it is possible to have substantial differences in the clocks of varying program sources, and so it is advantageous to match the system's clock with that of the new program source in order to accurately time a subsequent initiation of processing. Young does not describe changing the system clock *prior to initiation of the processing function*. Therefore, it is respectfully asserted that Young fails to disclose or suggest synchronizing the current time of day of a second scheduling clock with the current time of day of the clock of a second corresponding program source prior to initiation of a second program processing function.

For at least this reason, it is believed that claims 1 and 16 are in condition for allowance. Because claims 2, 4–6, 10–11, 13–15, and 17 depend from claims 1 and 16 and include all of the elements of their parent claims, it is believed that all of claims 1–2, 4–6, 10–11, and 13–17 are in condition for allowance. Reconsideration of the rejection is earnestly solicited.

Claims 1 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,208,799 to Marsh et al. (hereinafter "Marsh") in view of U.S. Patent No. 5,801,787 to Schein et al. (hereinafter "Schein").

As noted above, this rejection is cumulative with the § 102(b) rejection based on Young. It is respectfully requested that the Examiner only issue rejections based on the best available art, per MPEP § 706.02.

Claim 1 recites, *inter alia*, "synchronizing the current time of day of the second scheduling clock with the current time of day of the clock of the second corresponding program source based on the second current time reference information prior to initiation of the second program processing function." Claim 16 recites analogous language. The Examiner asserts that Marsh teaches this element in checking whether a scheduled time has arrived.

Just as with the discussion of Young above, Marsh simply shows a comparison of times and does not actually disclose or suggest *synchronizing* a clock prior to initiating a processing function. This fact is made abundantly clear by FIG. 7, step 83, which loops if the current time is not equal to a time stored in VCR-RECORD-TIMER.

As described above, "synchronize" is defined as *causing* something to indicate the same time. There can be no synchronization if all that the reference is doing is passively waiting for two clocks to align.

Furthermore, Schein is simply introduced to show the use of multiple programming sources. Schein does not in any way deal with the synchronization of clocks. It is therefore respectfully asserted that Marsh and/or Schein, taken alone or in combination, fail to disclose or suggest synchronizing the current time of day of a second scheduling clock with the current time of day of the clock of a second program source prior to the initiation of a second processing function.

It is therefore believed that claims 1 and 16 are in condition for allowance. Reconsideration of the rejection is earnestly solicited.

Claims 3 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Young in view of U.S. Patent No. 5,619,274 to Roop et al. (hereinafter "Roop").

Claims 3 and 18 depend from claims 1 and 16 respectively and include all of the elements of their parent claims. Roop does not in any way deal with the above-discussed features of the independent claims. Therefore it is respectfully asserted that Young and/or Roop, taken alone or in combination, fail to disclose or suggest all of the elements of claims 3 and 18. In addition, however, claims 3 and 18 recite patentable subject matter separate and apart from that recited in the base claims.

Claim 3 recites, *inter alia*, "the system further comprises a filter for filtering the output to inhibit a discontinuous change in the current time reference information from causing a discontinuous change in the display of the current time-of-day, and for providing the filtered output to the display." The Examiner concedes that Young does not teach this

element, but asserts that Roop teaches it in a discussion of setting a time for daylight savings changes.

However, the Examiner asserts that changing the time for daylight savings is somehow *preventing* a time discontinuity. This is patently false. Changing the clock for daylight savings time *necessarily* involves introducing a discontinuity of one hour. Indeed, the entire *purpose* of daylight savings time is to produce just such a discontinuity.

As such, rather than inhibiting a discontinuous change in the display of the current time, Roop explicitly provides a means for effecting such a change, and treats it as a distinct feature. It is therefore respectfully asserted that Young and/or Roop, taken alone or in combination, fail to disclose or suggest filtering the output to inhibit a discontinuous change in the current time reference information from causing a discontinuous change in the display of the current time-of-day, or for providing such filtered output to a display.

For at least the above reasons it is believed that claims 3 and 18 are in condition for allowance. Reconsideration of the rejection is earnestly solicited.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Young in view of Program and System Information Protocol for Terrestrial Broadcast and Cable (hereinafter "ATSC") and further in view of U.S. Patent No. 5,561,461 to Landis et al. (hereinafter "Landis").

The Examiner introduces ATSC and Landis to show certain details of the time reference information. However, neither of these references in any way deals with features discussed above with respect to Young alone. Because claim 7 depends from claim 1 and includes all of the elements of its parent claim, it is respectfully asserted that

Young, ATSC, and/or Landis, taken alone or in any combination, fail to disclose or suggest all of the elements of claim 7. It is therefore believed that claim 7 is in condition for allowance. Reconsideration of the rejection is earnestly solicited.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Young in view of ATSC.

The Examiner introduces ATSC solely to show certain details of time reference information. ATSC does not in any way deal with the features discussed above with respect to Young alone. Because claim 12 depends from claim 1 and includes all of the elements of its parent claim, it is respectfully asserted that Young and/or ATSC, taken alone or in combination, fail to disclose or suggest all of the elements of claim 12. It is therefore believed that claim 12 is in condition for allowance. Reconsideration of the rejection is earnestly solicited.

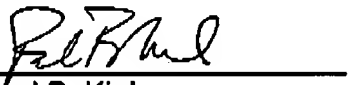
Claims 8–9 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Young in view of U.S. Patent No. 5,808,694 to Usui et al. (hereinafter "Usui").

The Examiner introduces Usui solely to show receiving two separate time references. Usui does not in any way deal with the features discussed above with respect to Young alone. Because claims 8, 9, and 19 depend from claim 1 and 16 and includes all of the elements of their parent claims, it is respectfully asserted that Young and/or Usui, taken alone or in combination, fail to disclose or suggest all of the elements of claims 8, 9, and 19. It is therefore believed that claims 8, 9, and 19 are in condition for allowance. Reconsideration of the rejection is earnestly solicited.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of July 27, 2009 be withdrawn, that all pending claims be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to Applicant's representatives' Deposit Account No. 07-0832.

Respectfully submitted,

By: 

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WEBSTER'S NEW UNIVERSAL UNABRIDGED DICTIONARY

With definitions based on the
Random House Webster's Unabridged Dictionary, Second Edition

BARNES & NOBLE BOOKS
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time; contemporaneousness; simultaneousness. 2. the arrangement or treatment of synchronous things or events in conjunction, as in a history. 3. a tabular arrangement of historical events or personages, grouped according to their dates. 4. *Physics, Elect.* the state of being synchronous. 5. *Psychoanal.* the simultaneous occurrence of causally unrelated events and the belief that the simultaneity has meaning beyond mere coincidence. [1580–90; < NL *synchronismus* < Gk *synchronismós* equiv. to *synchron(os)* SYNCHRONOUS + *-ismos* -ISM] —**syn/chro·nis/tic, syn/chro·nis/ti·cal,** *adj.* —**syn/chro·nis/ti·cal·ly,** *adv.*

syn·chro·nize (sing/krə nīz/), *v.,* **-nized, -niz·ing.** —*v.t.* 1. to cause to indicate the same time, as one timepiece with another: *Synchronize your watches.* 2. to cause to go on, move, operate, work, etc., at the same rate and exactly together: *They synchronized their steps and walked on together.* 3. *Motion Pictures, Television.* a. to cause (sound and action) to match precisely: *to synchronize the sound of footsteps with the actor's movements.* b. to match the sound and action in (a scene). 4. to cause to agree in time of occurrence; assign to the same time or period, as in a history. 5. to adjust the periodicities of (two or more electrical or mechanical devices) so that the periods are equal or integral multiples or fractions of each other. —*v.i.* 6. to occur at the same time or coincide or agree in time. 7. to go on, move, operate, work, etc., at the same rate and exactly together; recur together. Also, esp. *Brit.,* **syn/chro·nise/.** [1615–25; < Gk *synchronízein* to be contemporary with, equiv. to *synchron(os)* SYNCHRONOUS + *-izein* -IZE] —**syn/chro·ni·za/tion,** *n.* —**syn/chro·niz/er,** *n.*

syn/chronized shift/ing, *Auto.* gear shifting in which the gears to be meshed are made to rotate at the same speed.

syn/chronized swim/ming, 1. a sport growing out of water ballet in which swimmers, in solo, duet, and team efforts, complete various required figures by performing motions in relatively stationary positions along with a freestyle competition, with the contestants synchronizing movements to music and being judged for body position, control, and the degree of difficulty of the moves. 2. a swimming exercise or exhibition derived from the competitive sport. [1945–50]

syn·chron·o·scope (sin kron/ə skōp/, sing-), *n.* synchroscope. [< NL *synchron(us)* SYNCHRONOUS + -O- + -SCOPE]

syn·chro·nous (sing/krə nəs), *adj.* 1. occurring at the same time; coinciding in time; contemporaneous; simultaneous. 2. going on at the same rate and exactly together; recurring together. 3. *Physics, Elect.* having the same frequency and zero phase difference. 4. *Computers, Telecommunications.* of, pertaining to, or operating using fixed-time intervals controlled by a clock (opposed to *asynchronous*). 5. *Aerospace.* geostationary. [1660–70; < LL *synchronus* < Gk *sýnchronos,* equiv. to *syn-* SYN- + *chrón(os)* time + *-os* adj. suffix; see -OUS] —**syn/chro·nous·ly,** *adv.* —**syn/chro·nous·ness,** *n.*

syn/chronous convert/er, *Elect.* a synchronous machine for converting alternating current to direct current, or vice versa, in which the armature winding is connected to collector rings and to a commutator. Also called **rotary, rotary converter.**

syn/chronous machine/, *Elect.* an alternating-current machine in which the average speed of normal operation is exactly proportional to the frequency of the system to which it is connected.

Syn/chronous Meteorolog/ical Sat/ellite, former name of Geostationary Operational Environmental Satellite. *Abbr.:* SMS

syn/chronous mo/tor, *Elect.* a synchronous machine that acts as a motor. [1900–05]

syn/chronous rota/tion, *Astron.* rotation of a satellite in which the period of rotation is equal to the period of orbit around its primary, leaving the same face always pointing toward the primary: *The moon is in synchronous rotation about the earth.* [1970–75]

syn/chronous speed/, *Elect.* the speed at which an alternating-current machine must operate to generate electromotive force at a given frequency.

syn·chro·ny (sing/krə nē), *n., pl.* **-nies.** 1. simultaneous occurrence; synchronism. 2. *Ling.* a synchronic approach to language study. [1840–50; SYNCHRON(OUS) + -Y[3]]

syn·chro·scope (sing/krə skōp/), *n.* an instrument for determining the difference in phase between two related motions, as those of two aircraft engines or two electric generators. Also, **synchronoscope.** [SYNCHRO- + -SCOPE]

syn·chro·tron (sing/krə tron/), *n. Physics.* a type of cyclotron consisting of magnetic sections alternately spaced with sections in which particles are electrostatically accelerated. [1940–50; SYNCHRO- + -TRON]

syn/chrotron radia/tion, electromagnetic radiation emitted by charged particles as they pass through magnetic fields. [1900–05]

syn/chro u/nit (sing/krō), *Elect.* a type of alternating-current motor designed to maintain continuously, at some remote location, the same rotational angle that may be imposed by force upon the electrically connected rotating element of a similar motor. [*synchro,* shortened form of SYNCHRONOUS]

syn·clas·tic (sin klas/tik, sing-), *adj. Math.* (of a surface) having principal curvatures of similar sign at a given point. Cf. **anticlastic.** [1865–70; SYN- + Gk *klast(ós)* broken + -IC]

CONCISE ETYMOLOGY KEY: <, descended or borrowed from; >, whence; b., blend of, blended; c., cognate with; cf., compare; deriv., derivative; equiv., equivalent; imit., imitative; obl., oblique; r., replacing; s., stem; sp., spelling, spelled; resp., respelling, respelled; trans., translation; ?, origin unknown; *, unattested; ‡, probably earlier than. See the full key inside the front cover.

syn·cli·nal (sin klīn/l, sing-, sing/klə nl), *adj.* 1. sloping downward from opposite directions so as to meet in a common point or line. 2. *Geol.* a. inclining upward on both sides from a median line or axis, as a downward fold of rock strata. b. pertaining to such a fold. [1825–35; SYN- + Gk *klín(ein)* to LEAN[1] + -AL[1]] —**syn·cli/nal·ly,** *adv.*

syn·cline (sing/klīn, sin/-), *n. Geol.* a synclinal fold. [1870–75; back formation from SYNCLINAL]

syn·cli·no·ri·um (sing/klə nôr/ē əm, -nōr/-), *n., pl.* **-no·ri·a** (-nôr/ē ə, -nōr/ē ə), **-no·ri·ums.** *Geol.* a regional structure of general synclinal form that includes a series of smaller folds. Cf. **anticlinorium.** [1875–80; < NL; see SYNCLINE, -ORY[2]] —**syn/cli·no/ri·al, syn/cli·no/ri·an,** *adj.*

Syn·com (sin/kom), *n. U.S. Aerospace.* one of a series of experimental communications satellites that were the first to be placed in geostationary orbit. [syn(chronous) com(munications satellite)]

syn·co·pate (sing/kə pāt/, sin/-), *v.t.,* **-pat·ed, -pat·ing.** 1. *Music.* a. to place (the accents) on beats that are normally unaccented. b. to treat (a passage, piece, etc.) in this way. 2. *Gram.* to contract (a word) by omitting one or more sounds from the middle, as in reducing *Gloucester* to *Gloster.* [1595–1605; < ML *syncopātus* (ptp. of *syncopāre,* to shorten by syncope). See SYNCOPE, -ATE[1]] —**syn/co·pa/tor,** *n.*

syn·co·pat·ed (sing/kə pā/tid, sin/-), *adj.* 1. marked by syncopation: *syncopated rhythm.* 2. cut short; abbreviated. [1655–65; < LL *syncopāt(us)* (see SYNCOPATE) + -ED[2]]

syn·co·pa·tion (sing/kə pā/shən, sin/-), *n.* 1. *Music.* a shifting of the normal accent, usually by stressing the normally unaccented beats. 2. something, as a rhythm or a passage of music, that is syncopated. 3. Also called **counterpoint, counterpoint rhythm.** *Pros.* the use of rhetorical stress at variance with the metrical stress of a line of verse, as the stress on *and* and *of* in *Come praise Colonus' horses and come praise/The wine-dark of the wood's intricacies.* 4. *Gram.* syncope. [1525–35; < ML *syncopātiōn-* (s. of *syncopātiō*), equiv. to LL *syncopāt(us)* (see SYNCOPATE) + *-iōn-* -ION]

syn·co·pe (sing/kə pē/, sin/-), *n.* 1. *Gram.* the contraction of a word by omitting one or more sounds from the middle, as in the reduction of *never* to *ne'er.* 2. *Pathol.* brief loss of consciousness associated with transient cerebral anemia, as in heart block, sudden lowering of the blood pressure, etc.; fainting. [1350–1400; ME < LL *syncopē* < Gk *synkopḗ* a cutting short, equiv. to *syn-* SYN- + *kop-* (s. of *kóptein* to cut) + *-ē* fem. n. suffix] —**syn·cop·ic** (sin kop/ik), **syn/co·pal,** *adj.*

syn·cre·tism (sing/kri tiz/əm, sin/-), *n.* 1. the attempted reconciliation or union of different or opposing principles, practices, or parties, as in philosophy or religion. 2. *Gram.* the merging, as by historical change in a language, of two or more categories in a specified environment into one, as, in nonstandard English, the use of *was* with both singular and plural subjects, while in standard English *was* is used with singular subjects (except for *you* in the second person singular) and *were* with plural subjects. [1610–20; < NL *syncretismus* < Gk *synkrētismós* union of Cretans, i.e., a united front of two opposing parties against a common foe, deriv. of *synkrē(tízein)* to SYNCRETIZE + *-ismos* -ISM] —**syn·cret·ic** (sin kret/ik), **syn·cre/ti·cal, syn·cre·tis·tic** (sing/kri tis/tik, sin/-), *adj.* —**syn/cre·tist,** *n.*

syn·cre·tize (sing/kri tīz/, sin/-), *v.t., v.i.,* **-tized, -tiz·ing.** to attempt to combine or unite, as different or opposing principles, parties, etc. Also, esp. *Brit.,* **syn/cre·tise/.** [1685–95; < NL *syncretizare* < Gk *synkrētízein* to form a confederation, equiv. to *syn-* SYN- + *Krē-* (s. of *Krḗs*) a Cretan + *-izein* -IZE; see SYNCRETISM]

syn·cri·sis (sing/krə sis, sin/-), *n. Rhet. Obs.* the comparison of opposites. [1650–60; < LL < Gk *sýnkrisis* combination, comparison, equiv. to *syn-* SYN- + *kri-* (s. of *krínein* to separate) + *-sis* -SIS]

syn·cy·tium (sin sish/ē əm, -ē əm), *n., pl.* **-cy·tia** (-sish/ē ə, -ē ə). *Biol.* a multinucleate mass of cytoplasm that is not separated into cells. [1875–80; < NL; see SYN-, CYTO-, -IUM] —**syn·cy·tial** (sin sish/əl), *adj.*

synd., 1. syndicate. 2. syndicated.

syn·dac·tyl (sin dak/til), *adj.* 1. having certain digits joined together. —*n.* 2. a syndactyl animal. [1830–40; var. of SYNDACTYLUS] —**syn·dac/tyl·ism** (sin dak/tə liz/əm), **syn·dac/ty·ly** (sin dak/tə lē), *n.*

syn·dac·ty·lus (sin dak/tə ləs), *n., pl.* **-li** (-lī/, -lē/). *Med.* a person having united or webbed fingers or toes. [< NL, n. use of the adj.: having webbed digits; see SYN-, -DACTYLOUS]

syn·de·re·sis (sin/də rē/sis), *n.* 1. innate knowledge of the basic principles of morality. 2. *Christian Mysticism.* the essence of the soul that unites with God. Also, **synteresis.** [1350–1400; ME < ML *synderēsis, syntērēsis* < Gk *syntḗrēsis* a guarding, equiv. to *syntērē-,* var. s. of *syntēreîn* to guard closely (*syn-* SYN- + *tēreîn* to guard) + *-sis* -SIS]

[illegible]